

60,130-1495  
02MRA0344

**REMARKS**

Applicant has amended the specification and the claims to comply with 35 USC § 112. Further, the specification has been amended to include a description for each reference numeral in the various drawings.

Claims 1-6, were rejected as being anticipated by Attinger (CH 663387). Amended claim 1 requires a rotor attached adjacent a second end of an axle shaft and that the second end is spaced apart from the first end a first length greater than an axial length of a housing. The rotor in Attinger is attached to a center portion of a shaft that extends across the rail car and therefore cannot meet the limitation of a rotor attached adjacent a second end of an axle shaft. For this reason Applicant requests withdrawal of this rejection. Claim 13 includes the limitation of a rotor mounted adjacent a second end. Attinger cannot not meet this limitation. Accordingly, claim 13 is allowable over Attinger.

Claims 1-5, 7-10 and 13-17 were rejected as being anticipated by Inoue et al. (US 2002/0028721). Amended claim 1 requires a rotor disposed outside of said housing and attached said axle shaft adjacent a second end of the axle shaft. Amended claim 13 requires a rotor fixed adjacent a second end of said axle shaft extending outside of said axle housing. The brake disclosed in Inoue et al is a wet-disc brake that includes a rotor bathed in lubricant that is disposed within a housing. Accordingly Inoue does not meet the limitations of amended claims 1 and 13.

Claims 11-12 and 18 were rejected as being obvious over the Attinger or Inoue et al. as modified in view of Seki (2003/0136613). Claims 11-12 depend from claim 1, and claim 8

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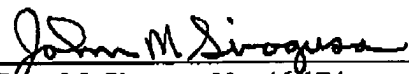
depends from claim 13. Both claims 1 and 13 include limitations that are not disclosed or suggested by Attinger, or Inoue et al. Accordingly, claims 11-12, and 18 are also allowable.

Applicant has added new claims 19-25. Claim 19 requires an axle with a first end portion and a second end portion extending outwardly from a housing, where the second end is spaced apart from the first end portion a distance greater than an axial length of the housing, and that a rotatable brake member is attached to the second end portion. The cited prior art does not disclose or suggest these limitations. Claims 20-25 further define the brake assembly recited in claim 19.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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